

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVE DALE PERCELLE,  
Plaintiff,  
v.  
STEVEN PEARSON, et al.,  
Defendants.

Case No. 12-cv-05343-TEH

**ORDER RE: JUNE 13, 2016  
PRETRIAL CONFERENCE**

A pretrial conference is scheduled for this matter on June 13, 2015 at 3:00 PM. Counsel shall come prepared to answer the following questions at the hearing.

## **For Both Parties**

1. Please update the Court on the status of stipulations as to certain documents' authenticity, as discussed on page 5 of the parties' Joint Pretrial Conference Statement.
  2. Please discuss whether disclosure of a non-retained expert witness's identity and proposed testimony in a declaration in support of a Motion for Summary Judgment is a sufficient disclosure for purposes of Federal Rule of Civil Procedure 26(a)(2).  
*See Pl.'s Opp'n to Mot. in Limine #5. Cite to authority where possible.*
  3. Does the issue of whether Defendants had sufficient evidence to validate Plaintiff as a gang member relate to an element of a First Amendment Retaliation claim? If so, which element? Why or why not?

**For Plaintiff**

4. Please address Defendants' contention that your Administrative Motion for Writs of Habeas Corpus Ad Testificandum is mischaracterized as administrative, and instead should have been filed as a noticed motion. *See* Defs.' Opp'n to Pl.'s Admin Mot.

4 | For Defendants

17 The Court has recently granted a continuance in an eight-week criminal trial, which  
18 will now begin on June 14, 2016. As such, the Court must reschedule the trial in this  
19 matter. Counsel shall come to the pretrial conference prepared to set a new trial date.

21 | IT IS SO ORDERED.

23 | Dated: 06/09/16

*Thelton Henderson*  
THELTON E. HENDERSON  
United States District Judge